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OF THE

STATE OF NEW-YORK,

PASSED AT THE

SIXTY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD IN THE CITY OF ALBANY,

THE FOURTH DAY OF JANUARY, 1842.*



UNIVERSITY OF TORONTO

MAR 21 1879

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ALBANY:

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1842. Digitized by Google

years, and until others shall be appointed in their place. The election of trustees shall be by ballot, and no stockholder shall be allowed more than one vote.

§ 5. The capital stock of said corporation shall be deemed ^{Transferable} personal estate, and transferable in such manner as the by-laws of said corporation shall provide.

§ 6. The said trustees shall receive subscriptions for shares ^{Subscription.} in said corporation.

§ 7. The said trustees may choose their president, treasurer ^{Officers.} and secretary.

§ 8. The corporation hereby created shall be entitled to its ^{Literature fund.} distributive share of the literature fund, whenever it shall have complied with the rules that govern the regents of the university in granting charters to academies, and with the laws in relation to the distribution of that fund.

§ 9. The said corporation shall possess the power and be sub- ^{General powers.} ject to the provisions of Chapters fifteenth and eighteenth of the first Part of the Revised Statutes, so far as the same are applicable and have not been repealed.

§ 10. This act shall take effect immediately.

CHAP. 211.

AN ACT to amend the act passed April 24, 1837, entitled
*"An act to incorporate the village of Black-Rock," and the
 several acts amending the same.*

Passed April 11, 1842, by a two-third vote.

*The People of the State of New-York, represented in Senate
 and Assembly, do enact as follows :*

TITLE I.

Of the boundaries and civil divisions of the village of Black-Rock.

§ 1. All that district of country in the town of Black-Rock ^{Boundaries.} and county of Erie, bounded northerly by the north line of the town of Black-Rock, easterly by the State Reservation line, or easterly line of the mile strip on the Niagara river ; south-erly by the northerly bounds of the city of Buffalo, and the line of the state ; westerly by the westerly bounds of the state, shall hereafter be known and distinguished by the name of " The village of Black-Rock," and the freeholders and inhabitants residing in said village are hereby constituted a body corporate by the name of " The village of Black-Rock."

§ 2. The said village shall be divided into three wards, as follows :

1. All that part of said village lying on the north side of the ^{First Ward.}

centre of Schajaquody's creek, and a line extended due west from the mouth of said creek to the westerly bounds of said village, except so much of Squaw Island as may lie within these bounds, but including the whole of the dam and the new ship lock, lying on the margin of said island, shall constitute the first ward.

Second
Ward.

2. All that part of said village, bounded northerly by the centre of Schajaquody's creek; easterly by the easterly line of said village; southerly by the centre of Commercial-street; and westerly by the westerly bounds of said village, together with the island known as Squaw Island, in the Niagara river, shall constitute the second ward.

Third
Ward.

3. All the remaining part of said village, lying southerly of the centre of Commercial-street, and of a line drawn through the centre of said street extended to intersect the easterly and westerly bounds of said village, shall constitute the third ward.

TITLE II.

Of the officers of the village, their election and appointment.

Officers.

§ 1. The officers of said village shall be a president, six trustees, one clerk, one treasurer, three assessors, three fire wardens, one collector, one or more police constables, one street commissioner, and as many measurers of cord wood, fuel, coal and grain, weighers of hay, pound masters and sextons, as the board of trustees shall from time to time direct.

Qualifica-
tions of offi-
cers.

§ 2. No person can be chosen president unless he be an elector, and resident of the village; and no person can be chosen trustee, assessor, or fire-warden, unless he be an elector, and a resident of the ward for which he shall be elected.

President,
&c. when
chosen.

§ 3. The president, collector, street commissioner, and one or more constables, shall be chosen by the electors of said village, at the same time and place, and in the same manner as the trustees and assessors. They shall hold their office for one year, until others are chosen in their places.

Trustees,
&c.

§ 4. Two trustees, one assessor, and one fire-warden, shall be chosen by the electors of each ward on the first Monday of June next, and on the first Monday of April, in each year thereafter. They shall hold their offices for one year, and until others are appointed in their places.

Clerk, treas-
urer, &c.

§ 5. The village clerk, treasurer, one or more measurers of wood, fuel and grain, one or more weighers of hay, one or more pound keepers, and one or more sextons, shall be appointed annually by the board of trustees and shall hold their offices during the pleasure of the board.

Appoint-
ments, when
made.

§ 6. The appointment of the officers in the fifth section of this title mentioned, shall be made within ten days after the board of trustees shall be organized, in each and every year.

First elec.

§ 7. The present trustees of the village of Black-Rock shall

appoint a suitable place in each ward of said village for the holding of the ward elections on the first Monday of June next. They shall also appoint two electors of each ward, who together with one of the trustees to be designated by said board, shall be inspectors of elections in their respective wards, of which appointment, and of the time and place of holding said elections, notices in writing shall be posted up in two public places in each ward, at least five days before the day of election.

tion by
wards, when
and how
held.

§ 8. The board of trustees shall, at least five days before any ward election, appoint a suitable place in each ward for the holding of such election, and shall at the same time choose from the electors actually resident in each ward of said village, two persons, who, together with one of the trustees of such ward, to be likewise designated by said board, shall be inspectors of such election. Notice of such election, and of the appointment of the inspectors thereof, shall be posted up in at least two public places in each ward, five days previous to every such election.

Future elec-
tions.

§ 9. The inspectors of elections so appointed shall meet at the time and place of holding ward elections, and shall organize themselves as a board in the manner prescribed in the fourth Title of the sixth Chapter of the first Part of the Revised Statutes. The trustee in each ward, designated as inspector, shall be chairman of such board. The board of inspectors shall appoint a clerk of the polls, who shall take the constitutional oath of office, to be administered by the chairman. The polls shall be kept open for one day only between the hours of nine o'clock, A. M. and three o'clock, P. M.

Duty of in-
spectors of
elections.

§ 10. At the first, and every subsequent election under this act, the board of trustees shall provide, at the expense of the village, a proper ballot box for each ward, provided with lock and key, and which shall be sealed at every adjournment of the election, in the manner provided by law, with respect to state elections.

Ballot boxes
to be provid-
ed.

§ 11. The electors shall vote by ballot, each ballot shall be endorsed "village officers," and shall contain the names of the persons designated by the electors for the offices of president, trustees, and assessors, collectors, street commissioner and constables. Every person entitled to vote for members of assembly in the town of Black-Rock, shall be entitled to vote in the ward in which he resides, for all or any of the officers to be chosen at such ward elections. All persons offering to vote at such elections, may be challenged, and the same proceedings shall be had thereupon as are prescribed by law in relation to state elections.

Electors to
vote by bal-
lot.

§ 12. Such election shall be conducted in the manner prescribed by law for the election of state officers, and the inspectors shall have the same authority in all respects as the inspectors of such elections for state officers. They shall proceed in

Elections
how to be
conducted.

like manner to canvass the votes given at such elections ; and shall draw up and sign duplicate statements of the votes so given, which they shall immediately deliver the clerk of the village, to be filed by him, and the other shall be preserved by the chairman of the board of inspectors of such ward.

Board of
canvassers.

§ 13. The board of trustees shall be a board of canvassers of all ward elections, and for that purpose shall convene on the day after every such election, and from the statement of votes given in each ward, filed with the clerk, they shall proceed to canvass and estimate the said votes, and shall thereupon determine and certify what persons have been duly elected to each of the offices mentioned in such statement, which determination and certificate, attested by a majority of the trustees respectively, shall be filed with and recorded by the clerk of the village. The present board of trustees of the village of Black-Rock, shall be a board of canvassers for the first election under this act, and shall proceed in every respect as is prescribed in this section,

Persons
elected to be
notified.

§ 14. The persons so declared to be elected, shall be served with written notice of their elections within three days thereafter, and shall, after taking the oath of office prescribed by the constitution, enter upon the duties of their respective offices, upon the Monday thereafter.

Vacancies
how sup-
plied

§ 15. Whenever at any general ward election, any officer authorized by this act, shall not have been chosen, or whenever, from any cause, any vacancy shall occur in any of said offices, the board of trustees shall be authorized to appoint a special election, of which a like notice as is prescribed in section eighth of this title shall be given ; and the said special election shall be conducted in every respect as is herein provided for a general ward election.

Oath of of-
fice, when to
be taken and
bonds given.

§ 16. All persons elected or appointed to any office under or by virtue of this act, before they proceed to execute the duties of their respective offices, and within five days after notice of their election, shall respectively take and subscribe the oath required in the sixth article of the constitution of this state ; and the treasurer, collector, constables and street commissioner, shall respectively, before they take the oath, give security by bond and sureties to be approved by said board of trustees, for the faithful discharge of the duties of their respective offices, in such sums as the said trustees shall deem sufficient ; which said bond shall be filed with the clerk of said village.

Penalties for
refusing or
neglecting
to take oath.

§ 17. If any person chosen to any one of the following offices, shall refuse to serve, or shall neglect to subscribe the constitutional oath, and otherwise qualify according to the provisions of this act, he shall forfeit to the village of Black-Rock the following sums :

1. If chosen to the office of president, he shall forfeit twenty dollars by such refusal or neglect.

2. If chosen to the office of trustee or assessor, he shall forfeit, by such refusal or neglect, fifteen dollars.

3. If chosen or appointed to any other office in this act enumerated, he shall forfeit, by such refusal or neglect, ten dollars. And it shall be the duty of the clerk, at the expiration of eight days after service of notice upon any person elected or appointed to any office by authority of this act, to report to the board of trustees, the names of such persons as shall have filed with him the oath of office required by law, and also such as have refused or neglected to file the same, to the end that proper measures may be taken to fill vacancies, and also for the prosecution of such as have made themselves liable to the penalties in this section specified.

§ 18. Resignation by any officer authorized to be chosen or appointed by this act, shall be made to the board of trustees, and be subject to their approval and acceptance, and if not approved by them, the person so resigning shall be liable to the same penalty as is herein prescribed, for a refusal to serve in such office. Resignations.

TITLE III.

Of the board of trustees, its general powers and duties.

§ 1. The president and trustees of said village shall constitute the board of trustees. They shall meet on the second Monday of April, in each and every year, and at such other times, and at such places as they shall from time to time appoint; and on special occasions, whenever the president, or in his absence or inability to officiate, any two of the trustees, shall by written notice appoint. Board of trustees.

§ 2. The president when present shall preside at the meetings of the board of trustees; in his absence the trustees may appoint one of their number president pro tempore. Presiding officer.

§ 3. In the proceedings of the board of trustees, each member present shall have a vote, except the president, who shall only have a casting vote when there is a tie in the votes of the other members. Trustees, how to vote.

§ 4. A majority of the trustees elected shall constitute a quorum. The sittings of the board shall be public; and the minutes of their proceedings shall be kept by the clerk, and shall be open to the inspection of the public. The board shall have power to prescribe rules for their own proceedings. Quorum.

§ 5. No member of the board of trustees shall, during the time for which he was elected, be appointed to, or be competent to hold any other office created by this act. Trustees to hold no other office.

§ 6. The board of trustees shall have power to pass and enact such by-laws and ordinances for the good government and order and safety of the village, for the preservation of peace and the suppression of vice, and for the benefit of the trade and health thereof, as they shall judge expedient, not repugnant to By-laws and police regulations.

the general laws of the state, or of the United States ; and for these purposes shall have authority,

1. To provide for the erection of buildings, for building aqueducts and reservoirs for water, and public sewers, for digging and constructing wells, cisterns and pumps for the use of said village, when money shall be raised for such purposes pursuant to this act ; and to provide for the safe keeping, and keeping in repair, all the property of the corporation.

2. To purchase fire engines, hooks, ladders, and other apparatus and implements for extinguishing fires for the use of said village.

3. To inspect, and cause to be inspected, fireplaces, chimneys, stoves, stovepipes, and all other places where fire may be used, and to cause the same to be put up and kept in safe condition, and to enter and cause others to enter houses and other buildings, for such purposes at all proper times.

4. To compel the inhabitants of said village to make scuttles in the roofs of the buildings occupied by them, to deposite their ashes in safe places, and to provide and keep fire buckets, which are hereby exempted from distress, seizure, or sale on execution. If such scuttles or buckets are furnished at the expense of any occupant, he may charge the same to the owner, unless by some agreement such occupant ought to pay for the same.

5. To organize fire companies, and hook and ladder companies, and to provide for their government and exercise. The number of members of each company shall not exceed twenty-five, and they shall be exempt from jury duty in courts of record. The trustees may remove said firemen, and appoint others in their steads.

6. To compel the inhabitants of said village to aid in the extinguishment of fires ; and to prescribe the mode of operations.

7. To purchase hay scales, and regulate the manner and prices of weighing hay, and other commodities ; and to appoint weigh-masters, who shall hold their offices during the pleasure of said trustees.

8. To prevent and remove obstructions in the streets, sidewalks, alleys, and public squares ; and to provide for clearing off and cleaning the same, and to prevent injuries thereto.

9. To protect trees in said village.

10. To provide for lighting the streets, and to prevent improper and immoderate riding and driving therein.

11. To restrain the running at large, in said village, of cattle, horses, sheep, swine, and geese ; and for this purpose, to establish and regulate one or more pounds.

12. To restrain the running at large of dogs, and to impose taxes on the owners thereof.

13. To prevent the firing of fire arms and fire works of every description, within the village, and the throwing burning coals, cinders or other ignited materials, into the streets thereof.

14. To regulate the keeping and transporting through the village of gunpowder and other combustible materials.

15. To restrain the running of locomotives through said village at immoderate speed.

16. To establish and regulate the markets, and restrain sales in the streets.

17. To prevent riots, noises, disturbances, and disorderly assemblages ; and to regulate swimming or bathing in the waters in said village.

18. To fill vacancies that shall happen in any office from any cause whatever, by appointment under the hands of the president and clerk, and of the seal of the corporation, except in cases herein otherwise provided for.

19. To issue warrants under their hands, for the collection of taxes, to renew the same (any tax not having been collected,) and to direct the time within which the collector shall collect and pay over the same.

20. To prescribe and ordain suitable fines, penalties and forfeitures, for offences against such by-laws, rules, ordinances, and regulations, and the provisions of this act ; not exceeding twenty dollars for any one offence, and to remit such fines, penalties and forfeitures, wholly or in part.

21. To make, ordain, alter, annul, or repeal all such by-laws, rules, regulations and ordinances, which may be necessary to carry into effect the intent and provisions of this act.

22. To exercise all other powers conferred on them by this act, in relation to highways, the levying taxes, the supplying the village with water, and other subjects of municipal regulation.

23. To prescribe the duties of all officers by them appointed, in all cases where the same are not prescribed by this act, or the general law of the state.

§ 7. No ordinance of the board of trustees imposing a penalty, shall take effect until after the expiration of ten days from the first publication thereof, in a newspaper printed in said village, or until after the expiration of ten days from the day on which it shall have been posted up in at least two public places in each ward of said village ; a record or entry made by the clerk of said village, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication or posting.

Ordinances imposing of penalties, when to take effect.

§ 8. All suits in behalf of said village shall be ordered and conducted by the trustees.

§ 9. All fines, penalties and forfeitures, incurred for any offence against any of the by-laws of said village, or against any of the provisions of this act, shall be sued for and recovered by the trustees in an action of debt, or other appropriate action,

Fines and forfeitures, how recovered.

with costs, in the name of said corporation, before any justice of the peace or court having jurisdiction thereof; in which action it shall be sufficient to declare, and plead generally, referring to the statute, by-law, rule, regulation or ordinance, for violation of which the action is brought, in the manner provided in Article one, Title six, Chapter eighth of the Revised Statutes, and under such declaration and pleading, to give the special matter in evidence. No inhabitant of said village shall, for that cause, be disqualified from being a justice, juror, witness, or constable in any such action; such fines, penalties and forfeitures, when collected, shall, within ten days thereafter, be paid to the treasurer of said village for the use thereof.

Pay of clerk,
&c.

§ 10. The board of trustees shall determine the compensation to be given to the clerk, treasurer and street commissioner of the village, and of any other officer appointed by them; they shall likewise fix the compensation of the collector of taxes for said village.

TITLE IV.

Of the officers of the village, their powers and duties.

Duty of the
president.

§ 1. It shall be the duty of the president of said village when present, to receive complaints of any breach of the by-laws; to preside at the meetings of the trustees, and he shall be entitled to a casting vote on all questions; to call special meetings of the trustees whenever he shall think proper; to see that the by-laws, rules, regulations and ordinances of the village, are faithfully enforced and executed; to prosecute in the name of said trustees, for all offences against the same; to keep the village seal, and affix it, together with his signature, to all such regulations as the trustees may adopt; and in case of the death, or removal, or inability of the president, it shall be the duty of the trustees to meet and give the notice in this act provided, for an election of another president, who shall hold his office until the next annual election.

Justices of
the peace.

§ 2. The president and trustees shall have all the powers of justices of the peace, for the purposes of preserving the public peace, by suppressing riots, dissolving unlawful assemblages, and directing the arrest of persons engaged in breaches of the peace, or about to commit any offence.

Duty of
assessors.

§ 3. The assessors elected in the different wards of the village, shall perform all the duties in relation to the assessment of property within the village, for village purposes, and shall proceed in like manner, and shall possess all the powers and authority, and be subject to the same duties as are prescribed by law respecting town assessors.

Duty of the
clerk.

§ 4. It shall be the duty of the clerk of said village, to keep the books and papers belonging to said corporation; to record in a book provided for that purpose, the proceedings of the inhabitants at their annual and special meetings; to attend the

meetings of the trustees, and record all their transactions; to notify officers of their election or appointment, as soon as may be after their election or appointment, and to perform such other duties as the trustees shall from time to time require of him. The trustees shall have power to remove a clerk and appoint another, and to appoint one pro tempore in case of his absence.

§ 5. The treasurer shall receive all moneys belonging to the village, and shall keep an account of all receipts and expenditures in such manner as the said trustees shall direct, and subject at all times to their inspection. No moneys shall be paid by the treasurer unless by vote of the trustees, and by an order signed by the president and countersigned by the clerk; which order shall specify for what purpose the amount specified therein is to be paid; the treasurer shall exhibit at every annual meeting of the inhabitants, a full account in writing of all the receipts and expenditures of the preceding year, and of the state of the treasury; which statement shall be filed in the office of the clerk.

Duty of the treasurer.

§ 6. The police constable of said village, shall have the same powers and rights, and be charged with the same duties and responsibilities as constables elected in towns; but he shall not have power to serve any process in civil suits out of the limits of said village, except in suits in which the trustees shall be a party.

Police constable.

§ 7. If any person having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office, all the property and effects of every description in his possession, belonging to said village or appertaining to the office he held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect and refusal so to deliver, to be recovered in the corporate name, for the use of said village, in any court having cognizance of such actions.

Penalty for not delivering property to successor in office.

TITLE V.

Of the assessment and collection of village taxes, and of the administration of funds belonging to the village.

§ 1. The board of trustees shall examine, settle and allow all accounts chargeable against the village, as well of its officers as of other persons, and shall at every annual meeting of the resident inhabitants of said village, through their president, recommend the raising of such sum or sums as they shall deem necessary to defray the general and contingent expenses of said village.

Accounts how to be settled.

§ 2. The resident inhabitants of said village, qualified to vote for trustees therein, shall meet annually on the first Monday of April, in each year, immediately after the polls in the several wards shall be closed, at some convenient place in the second ward, to be designated by the board of trustees; of which a

Money when and how to be raised by tax.

like notice as is prescribed in section eighth of title second, shall be given, and shall, thereupon, after hearing the report of the treasurer and the recommendation of the board of trustees, vote, order and determine what sum shall be raised, levied and collected from the inhabitants thereof, for the purpose of defraying the ordinary expenses of said corporation, and of paying the agents and officers appointed by them, a suitable compensation for their services, and for the purchase of any real or personal property for the use of the same ; for the purchase of fire engines, hooks, ladders and all other apparatus for extinguishing fires ; for keeping in repair any property of said village, and for all other village purposes generally specified in or contemplated by this act.

Notice to be given.

§ 3. The board of trustees shall give ten days' notice of any annual or special meeting of the inhabitants of said village, by causing a written or printed advertisement thereof, to be published in a newspaper printed in said village, or by posting up the same in at least two public places in each ward.

Meetings of inhabitants how conducted.

§ At all annual or special meetings of the resident inhabitants of said village the president thereof shall preside, and in his absence, any one of the trustees to be chosen viva voce by the meeting. The board of trustees shall prescribe such rules and regulations for conducting the proceedings at the annual or special meetings as they from time to time may deem necessary for the carrying into effect the provisions of this act thereto relating.

Special meetings, when to be called.

§ 5. The trustees shall have power to call special meetings, which shall be called and conducted as annual meetings are, whenever they, or a majority of them shall deem fit ; and the said inhabitants, qualified as aforesaid, are hereby authorized to make all orders, and perform all acts at such special meetings, which they are authorized by this act to make and perform at any annual meeting.

Amounts voted to be apportioned on wards.

§ 6. Upon any sum or sums being voted, at any annual or special meeting as aforesaid, the said board of trustees shall divide such sum or sums so voted, into three several amounts ; apportioned according to the amount and value of the real and personal property in the respective wards, and shall direct each several amount separately to be assessed and raised in the respective ward to which it shall be so apportioned ; and shall further make out a tax list, apportioning the same, and the percentage of the collector, which they are hereby authorized to add to the sum so to be raised and collected, among the several persons in each ward liable to taxation, both resident and non-resident, according to the value of their real and personal estate in said village. The valuation of taxable property, shall be made and assessed as far as possible, by the assessors, from the last assessment rolls of the town of Black-Rock ; and in cases where the valuation of taxable property cannot be ascertained from said assessment roll, the said assessors shall assess

Assessments how to be made.

The property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property. A copy of such assessment roll shall be filed with the treasurer, and the trustees shall by warrant, under their hands and seals, authorize the collector to collect the said tax, and pay the amount to the treasurer, retaining in his hands such per cent for collecting as the board of trustees may have allowed; and the said collector shall proceed to collect the said tax, with like powers and authority as collectors of towns, and shall pay the same to the treasurer at the time directed in his warrant.

§ 7. All assessments for taxes upon real estate, shall be against the owners and occupants, and may be collected of either; and if paid by the occupant he may charge the same to the owner, unless by some agreement such occupant ought to pay the same, and in case any sum assessed upon any real estate cannot be collected in the manner aforesaid, it shall remain a debt against the owner or occupant, and may be sued for and recovered in the corporate name of said village, with the interest and costs, and when recovered shall be paid to the treasurer, together with the other moneys belonging to the corporation, subject to the order of the trustees. A certificate under the corporate seal, signed by the president and clerk, specifying the amount of tax, the lots of land upon which it was assessed, when the assessment was made, and the name of the person assessed, shall be evidence in any such case. Owners and occupants to be assessed.

§ 8. Every assessment shall remain a lien on the premises described therein, for two years, and in case it is not paid, and no personal property can be found by the collector, out of which to satisfy and collect the same, by distress and sale, the premises may be sold at any time within two years, and after nine months from the filing of the assessment roll with the treasurer. Before any such sale, an order shall be made by the trustees, which shall be entered by the clerk at large, in the records of the village, directing the treasurer to sell, and describing the premises to be sold, and the assessment for which the sale is to be made, and a copy of such order shall be delivered to the treasurer. The treasurer shall then advertise the premises to be sold, for six weeks, in manner required in the case of sales under execution, and the sale shall be conducted in the same manner. The proceedings shall be discontinued at any time before sale, upon payment to the treasurer, by any person, of the amount of the assessment, interest, and expense of advertising. All sales in such cases, shall be made for the shortest period of time for which any person will take the premises, and pay the assessment, interest and expenses. The treasurer, on the day of sale, shall deliver to the purchaser a certificate of sale, containing a brief description of the premises, the amount of the tax or assessment, and the expense of advertisement and Assessments to be a lien on lands. Lands may be sold for taxes.

sale, and the time for which such premises shall have been purchased, as also the time when the purchaser will be entitled to receive the lease hereinafter mentioned; a copy of such certificate of sale, he shall also file with the clerk of the village.

Right of redemption.

The right of redemption, in all cases of such sales, shall exist to the owner and his creditors, in the same manner, and to the same extent, as is allowed by law, in cases of real estate, by virtue of an execution; and any person having such right of redemption, upon making the requisite proof, and paying to the treasurer the amount specified in said certificate of sale, and such additional amount as is hereinafter specified, shall be entitled to and vested with all the rights of the purchaser at such tax sale.

Purchaser when entitled to lease.

§ 9. At the expiration of the time for the redemption of any premises sold for taxes, under any of the provisions of this act, the purchaser thereof, or his assigns, if the same shall not be redeemed, shall be entitled, under the restrictions hereinafter specified, to a lease of said premises for the term of time for which he purchased the same, said term to commence on the day of the date thereof; said lease shall be executed by the president of the village, under the seal of the corporation, and shall be presumptive evidence in all courts and places, of the legality of the sale, and of the proceedings thereto relating; and the lessee for the purpose of obtaining possession thereof, shall be entitled in addition to his other remedies, to the benefit of all the provisions of the law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords; and such lessee, his heirs or assigns, at the expiration of his term, may remove any buildings or other erection, that may have been put upon said premises during said term.

In case of improvements on premises.

§ 10. In case any premises sold for taxes have buildings or other improvements thereon, no person shall be entitled to the lease in the last section mentioned, unless upon application to the board of trustees, he shall prove by affidavit to the satisfaction of said board, that he has complied with the following conditions and requisitions:

Notice to be given to legal owner or mortgagee.

1. He shall have given at least thirty days' notice in writing, to the person or persons in whom the legal title to said premises shall appear to be, by serving said notice personally, if such person be a resident of the village or town of Black-Rock, or of the city of Buffalo; and by putting the same in the post-office directed to such person, if he resides elsewhere, and his residence can be ascertained. A like notice, served in like manner, shall be given to all persons who may appear to have incumbrances by mortgage upon said premises.

Contents of notice.

2. Such notice shall state the fact of such premises having been sold for taxes; the amount for which sold, and the time at which such purchaser will be entitled to a lease.

§ 11. In addition to the amount to be paid to the purchaser of any premises sold for taxes, directed in section eight of this title, whenever such purchaser or his assigns, shall have given the notice in the last section mentioned, he shall be paid all expenses of searches necessary to ascertain the owner or mortgagee of said premises, and also one dollar for giving such notice; said purchaser shall likewise be refunded the amount of any subsequent tax or assessment levied on the same premises which he may have actually paid. Expenses to be paid.

TITLE VI.

Of streets, highways, and public improvements.

§ 1. The board of trustees shall be commissioners of highways for the said village, and are vested with and authorized to exercise and perform, within the bounds of the corporation, over all the public highways, streets, alleys, and public squares, the same rights, powers and duties, as are possessed and exercised by commissioners of highways in the several towns of this state; together with such other rights, powers and duties as are herein specially granted and imposed, excepting from said jurisdiction the building and repairing of bridges within said village, which shall remain and continue to be the duty of the commissioners of highways of the town of Black-Rock. Highways.

§ 2. The board of trustees are authorized and empowered to lay out, alter, open or discontinue any highways, streets or alleys in any part of the corporation; and for these purposes the said board shall be subject to the provisions of law, relating to the commissioners of highways in towns, except that upon the consent of the owners of the lands bounding upon any street proposed to be laid out or discontinued, which consent shall be expressed in writing, the said board of trustees shall be authorized to enter an order for the laying out or discontinuance of such street, highway or alley; which order shall be as effectual for the purposes therein mentioned, as if entered pursuant to the provisions of the general statutes of the state, relating to the laying out and discontinuance of highways. Streets and highways may be laid out, altered, &c.

§ 3. All assessments of highway work to be paid in labor within the corporation are abolished; and in lieu thereof, the board of trustees shall annually raise by tax such sum as they shall judge necessary to constitute a general fund for the repairs of highways, streets, alleys and public grounds belonging to said village; which fund shall be denominated the street fund, and shall be provided for as follows: Highway tax.

1. Every male inhabitant within the bounds of the corporation, being of the age of twenty-one years, (excepting priests, paupers, and lunatics,) shall be assessed and liable to pay one dollar. Persons assessed.

2. The board of trustees shall apportion and assess the residue of the amount of said street fund upon the estates real and Street fund how apportioned.

personal of the inhabitants of the village, and non-resident owners of property therein, as the same shall appear from the last assessment roll of the corporation. The assessment roll for the street fund shall be made out in the same manner as other assessment rolls ; to which the trustees shall annex their warrant, and then deliver the same to the collector, who shall thereupon proceed to collect the several amounts therein mentioned, in the same manner as other taxes of the corporation, and shall pay within the time specified in the warrant, such moneys to the treasurer, who shall credit the amount to the street fund ; keeping this account separate from all other accounts of the corporation.

Remedies. 3. The same remedies may be pursued for the collection of moneys directed by this section to be assessed, as are by this act provided for the collection of other taxes.

On petition. § 4. The board of trustees may, on the petition of a majority of the resident owners of real estate liable to taxation, for any local improvement under the provisions of this section, order the building of aqueducts and reservoirs for water, digging of wells, the construction of cisterns and pumps, the building and repairing of culverts and public sewers in said village, in the following manner :

Three assessors to be appointed. Having ascertained the probable cost of the improvement to be made, they shall choose and appoint three disinterested freeholders, inhabitants of said village, assessors for the purposes of this section. These assessors shall assess the sums so estimated, or the actual cost of the same, together with the fees of collection added thereto, upon the real estate which they shall deem to be benefited thereby, in proportion to the benefit derived therefrom, and shall make out a tax list apportioning such tax according to such assessment, and shall give three days' written notice, by conspicuously posting the same in said village, that such assessment roll and tax list are finished, and appointing a time and place for reviewing the same ; and any person deeming himself aggrieved by such assessment, may within five days after such review, appeal to the trustees of said village, who shall appoint a day for examining the same, by hearing testimony and otherwise ; for which purpose the said trustees, or either of them, may administer oaths, and their decision shall be final. A copy of such tax list shall be filed by the said assessors, with the treasurer of said village, and the trustees shall, by warrant, authorize the collection of said taxes in like manner as other taxes on real estate are collected.

Side walks, Public Squares, &c. § 5. The trustees of said village shall also have power to cause the sidewalks, streets, public squares, and highways, within the said village to be levelled, raised, gravelled, stoned, paved, flagged and repaired ; and to compel the owners or occupants of any lands or lots adjoining such sidewalks, streets, squares, or highways to make such improvements upon the

sidewalks, streets, squares, and highways as aforesaid, in front of said land or lots, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality of such materials; and in case the owner or occupant of any such land or lots shall neglect or refuse to complete the said required improvements, within such reasonable time as shall be required by said trustees, the said trustees may cause such improvements to be made or completed; and the expense thereof may be by them assessed on such owners or occupants, so neglecting or refusing, and be collected by warrant to be issued by the trustees in the same manner as other taxes directed to be collected by this act.

§ 6. All work upon the highways, streets, alleys, or public grounds of said village, shall be done under the superintendence of the street commissioner, who shall at all times be subject to the direction of the trustees; and no account for street work shall be paid, until the same shall have been audited and settled by the board of trustees, and a warrant or order therefor drawn on the treasury in the usual form.

Highway work under whom to be done.

TITLE VII.

Special provisions.

§ 1. The board of trustees of said village, shall have power and authority, for the purpose of procuring a supply of pure and wholesome water, for the use of the inhabitants of the first ward of said village, to borrow on the faith and credit of said first ward, such sum or sums of money, as said board of trustees shall deem necessary, not exceeding in the aggregate the sum of ten thousand dollars; said money to be borrowed on such time, not exceeding twenty, nor less than ten years, and at such rate of interest, not exceeding seven per cent per annum, as the said board of trustees may determine.

Loan to procure pure and wholesome water.

§ 2. The said board of trustees to secure the payment to the lender or lenders thereof, of such sum or sums as it may be necessary to borrow, for the purposes in the last section mentioned, shall have power and authority to execute one or more bonds under the corporate seal of said village, and the signature of the president thereof, conditional for the payment in ten annual instalments, from and after the first day of January, in the year eighteen hundred and fifty-two, of such sum or sums as shall be therein mentioned, (not exceeding in the aggregate ten thousand dollars,) together with the interest thereon, not exceeding seven per cent per annum; which said bonds shall also on their face, specify the object for which the money therein mentioned was borrowed, and that the property real and personal, in the first ward only, is liable for the payment thereof.

Security to be given for loan.

Bonds to be
a lien on
land.

§ 3. Such bond or bonds as it may be necessary for the board of trustees to execute and deliver, to secure the payment of the money borrowed, for the purpose of supplying said first ward with wholesome water, if drawn and executed in the form specified in the preceding section, shall be a lien upon all the real property in said ward; and for the payment of the principal thereof, as the yearly instalment thereon shall become due, said board of trustees, in case no other mode of payment be provided, shall levy and assess on such real and personal estate, an annual tax, sufficient for the payment of such instalments; and shall proceed to collect said tax in the same manner as is provided for the collection of other assessments by this act; and shall apply the proceeds of such tax to the payments of said instalments of principal.

Provisions
for the pay-
ment of in-
terest.

§ 4. To secure the prompt and regular payment of the interest which may accrue upon any bond or bonds executed under the authority of this act, by said board of trustees, it shall be the duty of said board, in making up the amount of the annual tax, for the general and ordinary village expenses to which said first ward may be liable, under the provisions of the sixth section of title five of this act, to add thereto, the amount of all interest moneys not otherwise provided for, which may be due, or grow due within the year on any such bond or bonds.

Meeting of
inhabitants
of first
ward.

§ 5. The inhabitants of the first ward, liable to be assessed for the purposes in this title mentioned, shall devise and decide upon such plan or method for obtaining a supply of water for said ward, as they shall deem most advisable, and to this end, it shall be the duty of the trustees resident in said ward, immediately after this act shall become a law, to call a public meeting of such inhabitants, by giving public notice of the time, place and object of such meeting; of which a like notice as is prescribed in section eighth of title second shall be given, and in order that their decision with reference thereto, may be regularly communicated to the board of trustees, a written memorandum of the proceedings of such meeting, shall be filed by said trustees with the clerk of the village.

Contracts
may be
made.

§ 6. For the purpose of carrying into effect any such plan or plans, as may be adopted by the inhabitants of said first ward, for procuring a supply of water in said ward, the board of trustees shall have power and authority to make and enter into any contract or contracts for the purchase of any lands, springs or streams of water, or for the purchase, construction or repairing of any buildings, machinery, pipes, reservoirs, aqueducts, and other proper conveniences, necessary for procuring and carrying the water to any part of said ward, and to do all other acts needful to effect the objects contemplated in any of the previous sections of this title.

§ 7. It shall be the duty of the board of trustees to appoint a proper person who shall be a resident of said ward, "to be water superintendent," to prescribe his duties, and fix his compensation, said board shall also enact such ordinances for regulating the use of the water, and for preserving the pipes, reservoirs, aqueducts, and other erections incident thereto, as shall from time to time appear necessary and proper to carry into effect the plans and wishes of the inhabitants of said ward.

Water superintendent.

§ 8. All sums of money, which shall be paid into the treasury of the corporation, under, or by authority of the provisions of this act, relating to the subject of procuring a supply of wholesome water for the use of the first ward, including the proceeds of all bonds, taxes, rents, fines, and penalties, shall be kept by the treasurer, in an account separate and distinct from all others, and shall be denominated "the water fund," which said fund shall also be liable for all expenditures necessary, or incident to the procuring and distributing said water.

The water fund account how to be kept.

TITLE VIII.

Miscellaneous provisions.

§ 1. The board of trustees of said village are authorized and empowered to take and hold, for the use and benefit of the inhabitants thereof, the title to such public grounds, as were originally laid out and reserved for public squares in said village, which said grounds are known as blocks numbers eighty-eight, one hundred and twenty-seven, one hundred and twenty-eight, and one hundred and thirty, in the south village of Black-Rock, as the same are laid down on a map or survey of said village, on file in the office of the Secretary of State, of the state of New-York, said grounds to be holden and used for such purposes only, as were intended in their original reservation.

Trustees to hold public grounds.

§ 2. The said corporation may take, hold, purchase, and convey such other real and personal estate as the purposes of the corporation may require, but no purchase or conveyance of real estate shall be made unless authorized by vote of the taxable inhabitants of said village, at an annual or special meeting.

They may take, hold and convey other lands.

§ 3. The said trustees may grant licenses for selling strong and spiritous liquors in quantities less than five gallons, and for keeping inns and taverns in said village, in the same manner as the commissioners of excise of the town of Black-Rock are empowered by law to do, and the powers and duties by law vested in the commissioners of excise in said town shall be and hereby are transferred to and vested in the trustees of said village, so far as the same shall extend to said village; and the said powers and duties shall be exercised by the said trustees in the manner provided for such commissioners, except that the bonds taken of such persons duly licensed, instead of being executed to the people of this state, shall be executed to the corporation. All excise duties taken by the trustees pursuant

Power to grant licenses.

to this section, shall be paid into the treasury of the county of Erie.

General powers.

§ 4. Said corporation shall enjoy the privileges and be subject to the restrictions and liabilities contained in the third Title of Chapter eighteen of the first Part of the Revised Statutes, so far as they may be applicable to such corporation.

Right to repeal.

§ 5. This act shall take effect immediately and the legislature may at any time hereafter alter, modify or repeal the same.

Repeal.

§ 6. The act passed April 24th, 1837, incorporating the village of Black-Rock, and the several acts amending the same, are hereby repealed, but such repeal shall not invalidate or affect any act done or right accrued or established under or by authority of the said acts, so repealed.

CHAP. 212.

AN ACT for the relief of Ebenezer Rice, for an infringement of his patent for hydraulic wooden tubing, by the superintendent of the Onondaga salt springs.

Passed April 11, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Commissioners to hear and determine.

§ 1. Daniel Moseley, Freeborn G. Jewett and Daniel Gott are hereby appointed commissioners to hear and determine the matter in controversy between Ebenezer Rice and Thomas Spencer, superintendent of Onondaga salt springs, in relation to an alleged infringement of a patent of the said Ebenezer Rice, for hydraulic wooden tubing.

To take an oath.

§ 2. The said commissioners shall, within ninety days after the passage of this act, take and severally subscribe an oath or affirmation before the first judge of the said county of Onondaga, that they will honestly and impartially hear and determine the matter in controversy between the said Ebenezer Rice and the said Thomas Spencer, in relation to the infringement of the patent of said Ebenezer Rice, for "hydraulic wooden tubing," and a true decision thereupon make according to evidence; which said oath or affirmation shall be filed by the said judge in the office of the clerk of said county.

To serve notice on parties.

§ 3. The said commissioners shall, after the taking and subscribing such oath or affirmation, serve a written notice on each of said parties, of the time when they will meet to hear and determine the said matter in controversy, which time shall not be more than twenty nor less than twelve days from the time of the service of such notice; and the said notice shall also specify the place of such meeting, which shall be in the town of Salina, in said county.